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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD DEAN CLARK,
Petitioner,

vs.

MICHAEL MARTEL, Acting Warden of
California State Prison at San Quentin,
California,

Respondent

) No. C-97-20618-JW

) JOINT STATUS REPORT ON
) DISCOVERY SCHEDULE AND
) [PROPOSED] ORDER

) **DEATH PENALTY CASE**

FILED

AUG X 1 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Pursuant to the Stipulation and Order of May 26, 2011 (Doc. 491), petitioner was to serve
2 discovery subpoenas by May 28, 2011 and depositions were to conclude by July 15, 2011. However,
3 that schedule is, unfortunately not achievable.

4 Upon receipt of the order, petitioner initially encountered some difficulties determining what
5 information to provide to whom at the Marshal's office as the CJA office requires the Marshal serve
6 the subpoenas. By the time this was sorted out, the discovery schedule would not have permitted
7 sufficient time for the third parties to adequately search for and retrieve whatever documents they may
8 have available in order to provide the information prior to depositions. The subpoenas are now ready
9 to serve, but need a different production date, one that is sufficient in advance to permit the entities to
10 secure information and the parties to use it for depositions. They also need to include sufficient time
11 for the Marshals to effectuate service, which is about two (2) weeks.

12 In addition, it has been more difficult than originally thought to locate the deponents. It is
13 believed that they will have to familiarize themselves with some records in order to make the
14 depositions useful, which may take some time. Summer schedules do not permit but a few days here
15 and there in which depositions can take place.

16 For the foregoing reasons, the parties respectfully request to modify the discovery schedule as
17 follows: subpoenas to be given to the Marshal by June 30, 2011 with a production date of August 10,
18 2011; Depositions to be completed by September 30, 2011.

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21 Dated: June 26, 2011

Respectfully submitted,

22 JOHN R GRELE
23 LYNNE S. COFFIN
24 Attorneys for Petitioner
RICHARD DEAN CLARK

25 By: /s/
John R Grele

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28 ///

1 Dated: June 27, 2011

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10 IT IS SO ORDERED:

11 Dated: 8/1/11


Hon. James Ware
United States District Judge